

named inventors. See 37 C.F.R. §1.48 (a)(3) and 37 C.F.R. §1.65." The declaration filed 4/6/04 adds a declaration of the added inventor Bruce Kenneth Furman. The assignee consented to the addition in the papers submitted on January 26, 2005.

The sections of 37 CFR cited by cited by the Examiner do not require that all inventors sign the same declaration paper. Thus the declaration signed by added inventor Furman is sufficient. Each inventor can sign a separate declaration paper. Thus the Examiners grounds for finding that claims 1-24 of the present application are anticipated under 35 USC 102(e) over US 5,804,100 are in error and the present application should be allowed over the rejection of Office Action dated 5/20/2005.

Applicants note that inventors Liao and Saraf are no longer employed by IBM and would have to be located for all the inventors to sign the same declaration. Since it is Applicants understanding of the rule that this is not required to be a burden to locate these inventors, Liao and Saraf to re-obtain their signatures.

In view of the changes to the claims and the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Respectfully submitted,

By 

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